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Appl. No. 10/840,211
Ammdt. dated March 16, 2006
Reply to Office action of Dec. 19, 2005

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1, 2, 4, and 6. These sheets, which include Fig. 1-6 replace the original sheets including Fig. 1-6. In Figure 1 element number 26 has been added and in Figures 2, 4 and 6 some element numbers have been changes to designate different parts shown in the various drawings.

Attachment: Replacement Sheets

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03/16/06 THU 17:46 FAX 248 377 1490

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REMARKS

The Applicant has carefully considered examiner's comments in the Office action dated December 19, 2005. Currently, the Examiner rejects claims 1-19 and objects to the specification and drawings. In response, the Applicant has amended claims 1-14 and 17. Further, the Applicant has also amended the specification and drawings. In making such amendments, no new matter has been added into the present application. Accordingly, claims 1-19 remain pending in the present application. The Applicant believes that the pending claims place the present application in condition for allowance and respectfully request that the application be passed to issue.

Drawing Objections

In view of the drawing objections set forth in paragraph 1 and 2 of the Office action, Applicant submits herewith three replacement drawing sheets showing Figures 1-6 to replace the originally filed drawing sheets containing the same figures. Specifically, element number 26 is now included in Figure 1, and appropriate reference characters now designate the different parts of Figures 2, 4 and 6. Accordingly, removal of the objection to the drawings is respectfully requested.

Specification Objections

The Examiner objects to the Specification because reference characters used for different embodiments should be different. Accordingly, the Applicant has amended the specification with respect to the reference characters designating different parts in Figures 2, 4 and 6, thereby overcoming the objection set forth in paragraph 4 of the Office action. Removal of the objection is respectfully requested.

Further, the Examiner objects to the use of the term "new generation" throughout the specification. Accordingly, the Applicant has amended the specification by removing the term "new generation" with respect to bearings from the specification, thereby overcoming the objection set forth in paragraph 5 of the Office action. Again, removal of this objection is respectfully requested.

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Claim Objections

With regard to the claim objections in paragraph 6 of the Office action, the Applicant has amended claims 10-13 by striking "any one of" from each of the claims, and removal of the objection is respectfully requested.

Claim Rejections

In Paragraph 8 of the Office action, Claims 1-7, 10-13, and 17-19 were rejected under 35 U.S.C. §102 (b) as being anticipated by Mizukoshi et al (U.S. Patent No. 6,135,571). In view of the amendments to the claims, the Applicant respectfully traverses the rejection.

Applicant submits that amended independent claim 1 and claims 2-13, which depend from claim 1, are novel because the present device and the prior art differ. Specifically, independent claim 1 requires an outer race of a constant velocity joint; a shaft of an outboard drive axle axially coupled to the outer race, wherein the shaft has an external surface and an external groove circumferentially formed in the external surface of the shaft; a retaining element; a wheel hub having a first bore, wherein the first bore of the wheel hub telescopingly receives the external surface of the shaft and is held in an assembled position between the outer race and the retaining element; and a bearing assembly not requiring pre-tensioning and is telescopingly received on one of the shaft and the wheel hub, wherein the retaining element releasably engages the external groove of the shaft and imparts no pre-tensioning on the bearing assembly.

In contrast, the Mizukoshi reference discloses an axle unit having a bearing assembly compressively retained by either a crimp portion 27 of the hub 6a, stop ring 85 engaged in the hub 6a or a threaded nut 103 engaging the hub 6a. This is substantially different than Applicant's claimed assembly. Thus, the Mizukoshi reference does not teach or suggest at least the first bore of the wheel hub telescopingly receiving the external surface of the shaft and holding it in an assembled position between the outer race and the retaining element. Moreover, the Mizukoshi reference does not teach or suggest a bearing assembly without pre-tensioning that is telescopingly received on one of the shaft and the wheel hub. Furthermore, the Mizukoshi reference does not teach or suggest a retaining element that imparts no pre-

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03/16/06 THU 17:46 FAX 248 377 1490

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tensioning on the bearing assembly. For at least these reasons, amended claim 1 and claims 2-13, which depend from claim 1, are all novel and non-obvious as each claims features that are not disclosed or suggested in the Mizukoshi reference.

Applicant submits that amended independent claim 17 and claims 18-19 which depend from claim 17, are also novel and non-obvious because the present device and the prior art differ. Specifically, claim 17 is independently allowable for at least the same reasons set forth above with respect to claim 1. In view of the foregoing, amended claim 17, including dependent claims 18-19, are novel in view of the Mizukoshi reference.

In Paragraph 9 of the Office Action, Claims 1-13, 17 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by Sahashi et al (U.S. Appl. Pub. 2001/0016520). In view of the amendments to the claims, the Applicant respectfully traverses the rejection.

Applicant submits that amended independent claim 1 and claims 2-13, which depend from claim 1, are novel because the present device and the prior art differ. Specifically, claim 1 is allowable over by Sahashi for the reasons mentioned above. In this regard, the Sahashi reference is similar to the Mizukoshi reference in that the bearing assembly is retained by the hub assembly. Accordingly, the Sahashi reference fails to teach or suggest that the first bore of the wheel hub telescopingly receives the external surface of the shaft and is held in an assembled position between the outer race and the retaining element. Moreover, the Sahashi reference does not teach or suggest a bearing assembly without pre-tensioning and being telescopingly received on one of the shaft and the wheel hub. Furthermore, the Sahashi reference does not teach or suggest a retaining element that imparts no pre-tensioning on the bearing assembly. For at least these reasons, amended claim 1 and claims 2-13, which depend from claim 1, are all novel and non-obvious as each requires features that were not disclosed or suggested in the Sahashi reference.

Applicant submits that amended independent claim 17 and claim 18 that depends from claim 17, are also novel and non-obvious for at least the same reasons given above for claim 1.

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In Paragraph 11 of the Office action, Claims 14, 15 and 16 were rejected under 35 U.S.C. § 103(a) as being anticipated over Dougherty (U.S. Pat. 6,485,188) in view of Sahashi et al.

Applicant submits that amended independent claim 14 and claims 15-16, which depend from claim 14, are novel because the present device and the prior art differ. The Applicant also submits that a *prima facie* case of obviousness has not been established as neither reference, alone nor in combination, teaches or suggests a retaining element that imparts no pre-tensioning on the wheel bearing assembly. As an initial matter, Applicant agrees that the Sahashi reference discloses a retaining ring 157 for retaining a wheel hub assembly to a spindle 143. Applicant traverses, however, the suggestion in the Office action that the Sahashi reference teaches the use of the retaining ring as an improvement over the assembly in which a threaded fastener is used (figure 40). In this regard, as the Sahashi reference teaches a retaining ring when only the wheel hub retains the bearing assembly 132, it cannot be used to impart tensioning upon the bearing assembly of the Daugherty reference without the use of a threaded fastener. Young also requires a threaded fastener to impart tensioning upon the bearing assembly. Accordingly, the obviousness rejection cannot be supported and should be withdrawn. In this regard, the Office Action improperly combines the reference teachings to suggest the combination necessary to support the obviousness rejection. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Further, claims 15 and 16 are allowable because they depend from allowable independent claim 14.

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Conclusion

Having overcome all of the objections and rejections set forth in the Office action, the Applicant submits that the application is in a condition for allowance. The Applicant respectfully request that the application be passed to issue.

Respectfully Submitted,

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